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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,817	12/27/2001	Jean-Claude Abed	34423/242418	3949

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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,817

Applicant(s)

ABED ET AL.

Examiner

Elizabeth M. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12, 14, 15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/4/05 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-2, 6- 8, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al, U.S. Patent No. 4,542,060 in view of Reeder et al, U.S. Patent No. 6,468,931 as set forth in the previous action.
4. Claims 1- 8, 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Reeder as applied to claims above and further in view of Gessner, U.S. Patent No. 5,593,768 as set forth in the previous action.
5. Claims 9-12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al, U.S. Patent No. 5,491,016 in view of Reeder et al, U.S. Patent No. 6,468,931 as set forth in the previous action.
6. Applicant's arguments filed 4/4/05 have been fully considered but they are not persuasive. Applicant argues that Yoshida does not teach a fabric comprising polypropylene fibers in one layer and polyethylene/polypropylene bicomponent fibers in another layer. However, Applicant claims a first layer which comprises a blend of a polypropylene fiber and a polypropylene/polyethylene bicomponent fiber and a second

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layer of polypropylene fiber. Yoshida teaches at col. 2, line 60 – col. 3, line 37 a fabric comprising a first ply A which may comprise polypropylene fibers and a second ply B which may comprise a combination of polypropylene fibers and sheath/core fibers having a polypropylene core and a polyethylene sheath. Therefore Yoshida teaches the claimed fabric. Applicant's arguments with regard to the examples in Yoshida have been considered but Yoshida clearly discloses the claimed combination of fibers and layers at columns 2 and 3.

7. With regard to the particular types of embossing and calendaring roll, Applicant argues that Reeder does not teach the particularly claimed bond configuration. However, since Reeder teaches employing a smooth roll and a patterned roll, the claimed bond pattern having a relatively non-indented side and a embossed surface would necessarily result. Since Reeder teaches that the pattern roll and smooth roll are suitable for use for bonding nonwoven fabric laminates, it would have been obvious to one of ordinary skill in the art to have used this configuration to form the bonds in Yoshida.

8. With regard to Kaiser, Applicant argues that the bicomponent fiber web is buried within the fabric construction while in the instant invention the layers define outer surfaces. However, the instant claims employ open language and do not preclude the presence of additional layers. Additionally, since Kaiser teaches the two claimed layers they would be considered the outer layers of the two claimed layers.

9. With regard to the bond pattern, as set forth above, , since Reeder teaches employing a smooth roll and a patterned roll, the claimed bond pattern having a

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relatively non-indented side and a embossed surface would necessarily result. Since Reeder teaches that the pattern roll and smooth roll are suitable for use for bonding nonwoven fabric laminates, it would have been obvious to one of ordinary skill in the art to have used this configuration to form the bonds in Kaiser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c